

Introduced by Senator Torlakson

February 23, 2006

An act to repeal Sections 32050 and 32051 of the Education Code, and to add Section 245.6 to the Penal Code, relating to hazing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1454, as introduced, Torlakson. Crimes: hazing.

Existing law codifies within the Education Code the definition of hazing and proscribes criminal penalties for people who haze.

This bill would repeal the Education Code hazing provisions and instead codify within the Penal Code the definition of hazing and proscribe misdemeanor penalties for people or organizations who haze and felony penalties for hazing which results in death, great bodily injury, or great psychological injury. This bill would also prohibit prosecution for hazing against the person who was hazed and allows him or her to bring a civil action against the perpetrator(s) of the hazing.

Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32050 of the Education Code is
2 repealed.

3 ~~32050. As used in this article, “hazing” includes any method~~
4 ~~of initiation or preinitiation into a student organization or student~~
5 ~~body or any pastime or amusement engaged in with respect to~~
6 ~~these organizations which causes, or is likely to cause, bodily~~
7 ~~danger, physical harm, or personal degradation or disgrace~~
8 ~~resulting in physical or mental harm, to any pupil or other person~~
9 ~~attending any school, community college, college, university, or~~
10 ~~other educational institution in this state. The term “hazing” does~~
11 ~~not include customary athletic events or other similar contests or~~
12 ~~competitions.~~

13 SEC. 2. Section 32051 of the Education Code is repealed.

14 ~~32051. No student, or other person in attendance at any~~
15 ~~public, private, parochial, or military school, community college,~~
16 ~~college, or other educational institution, shall conspire to engage~~
17 ~~in hazing, participate in hazing, or commit any act that causes or~~
18 ~~is likely to cause bodily danger, physical harm, or personal~~
19 ~~degradation or disgrace resulting in physical or mental harm to~~
20 ~~any fellow student or person attending the institution.~~

21 ~~The violation of this section is a misdemeanor, punishable by a~~
22 ~~fine of not less than one hundred dollars (\$100), nor more than~~
23 ~~five thousand dollars (\$5,000), or imprisonment in the county jail~~
24 ~~for not more than one year, or both.~~

25 SEC. 3. Section 245.6 is added to the Penal Code, to read:

26 245.6. (a) This section shall be known and may be cited as
27 “Matt’s Law” in memory of Matthew William Carrington, who
28 died on February 2, 2005 as a result of hazing.

29 (b) As used in this section “hazing” or “haze” is conduct
30 which causes, or is likely to cause, bodily danger, physical harm,
31 or personal degradation or disgrace resulting in physical or
32 mental harm to another person in the course of the other person’s
33 preinitiation into, initiation into, affiliation with, holding office
34 in, or maintaining membership in any organization. The terms
35 “hazing” or “haze” do not include customary athletic, fire
36 department, police department, military, or quasi-military
37 training, conditioning, or similar events or activities.

1 (c) Any person who hazes or conspires to participate in hazing
2 is guilty of a misdemeanor punishable by a fine of not less than
3 one hundred dollars (\$100), nor more than five thousand dollars
4 (\$5,000), or imprisonment in the county jail not to exceed one
5 year, or by both fine and imprisonment.

6 (d) Any person who hazes or conspires to participate in hazing
7 which results in death, great bodily injury, or great psychological
8 injury is guilty of a felony punishable by imprisonment in the
9 state prison.

10 (e) An organization is guilty of violating subdivisions (b) or
11 (c) if the organization's agents, directors, trustees, managers, or
12 officers authorized, requested, commanded, encouraged,
13 participated in, ratified, or tolerated the hazing.

14 (f) The implied or expressed consent of the person or persons
15 against whom the hazing was directed shall not be a defense to
16 any action brought under this section.

17 (g) This section does not apply to the person against whom the
18 hazing was directed.

19 (h) This section shall not, in any manner, limit or exclude
20 prosecution or punishment for any other crime or any civil
21 remedy.

22 (i) The person against whom the hazing is directed may
23 commence a civil action for injury or damages, including mental
24 and physical pain and suffering that results from the hazing. The
25 action may be brought against any participants in the hazing, or
26 any organization whose agents, directors, trustees, managers, or
27 officers authorized, requested, commanded, encouraged,
28 participated in, ratified, or tolerated the hazing. If the
29 organization is a corporation, whether for profit or not, the
30 individual directors of the corporation maybe held individually
31 liable for damages.

32 SEC. 4. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the
37 penalty for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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